

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

INNOVATIVE GLOBAL SYSTEMS LLC,

Plaintiff,

VS.

VOLVO CONSTRUCTION EQUIPMENT
NORTH AMERICA, INC., VOLVO TRUCKS
NORTH AMERICA, INC., KOMATSU
AMERICA CORP., CATERPILLAR, INC.,
HYUNDAI CONSTRUCTION EQUIPMENT
AMERICAS, INC., TOPCON TIERRA,
STARTRAK SYSTEMS, LLC, WIRELESS
MATRIX USA, LLC, JLG INDUSTRIES
INC., TYLER TECHNOLOGIES, INC.,
GEOTAB, INC., and NAVISTAR, INC.,

Defendants.

~~~~~

CIVIL ACTION NO. 6:10-cv-00327-LED

## JURY TRIAL DEMANDED

**PLAINTIFF'S ANSWER TO THE COUNTERCLAIMS OF**  
**DEFENDANT VOLVO CONSTRUCTION EQUIPMENT NORTH AMERICA, INC.**

Plaintiff INNOVATIVE GLOBAL SYSTEMS LLC (“Plaintiff”) answers the counterclaims of Defendant VOLVO CONSTRUCTION EQUIPMENT NORTH AMERICA, INC. (“Defendant”) filed September 30, 2010, as follows:

## COUNTERCLAIM

54. Plaintiff admits the allegations in Paragraph 54, upon information and belief.

55. Plaintiff admits the allegations in Paragraph 55.

56. Plaintiff admits that (1) this is a civil action involving allegations of patent infringement, (2) that Defendant purports to bring counterclaims under the laws of the United States for non-infringement and invalidity, and (3) that this court has jurisdiction over this matter. However, Plaintiff denies that Defendant's counterclaims have any factual or legal basis.

57. Plaintiff admits the allegations in Paragraph 57.

58. Plaintiff admits that venue is proper in this District. Except as so admitted, the allegations in Paragraph 58 are denied.

**COUNT I**  
**(The Patents-In-Suit Are Not Infringed)**

59. Plaintiff incorporates each of the preceding paragraphs as though expressly stated herein.

60. Plaintiff admits the allegations in Paragraph 60.

61. Plaintiff denies the allegations in Paragraph 61.

62. Plaintiff admits the allegations in Paragraph 62.

63. Plaintiff denies the allegations in Paragraph 63.

**COUNT II**  
**(The Patents-In-Suit Are Not Valid)**

64. Plaintiff incorporates each of the preceding paragraphs as though expressly stated herein.

65. Plaintiff admits the allegations in Paragraph 65.

66. Plaintiff denies the allegations in Paragraph 66.

67. Plaintiff admits the allegations in Paragraph 67.

68. Plaintiff denies the allegations in Paragraph 68.

**PRAYER FOR RELIEF**

Although no answer is required to Defendant's request for relief, Plaintiff denies all allegations of Paragraphs (1) through (6) and further denies that any relief should be granted to Defendant.

Plaintiff demands a trial by jury on all matters raised by Defendant's counterclaims and by Plaintiff in its Original Complaint (and any supplements or amendments thereto).

**Dated: October 14, 2010.**

Respectfully submitted,

/s/ Michael T. Cooke  
State Bar No. 04759650  
Jonathan T. Suder  
State Bar No. 19463350  
Todd I. Blumenfeld  
State Bar No. 24067518  
FRIEDMAN, SUDER & COOKE  
Tindall Square Warehouse No. 1  
604 East 4th Street, Suite 200  
Fort Worth, Texas 76102  
(817) 334-0400  
Fax (817) 334-0401  
[jts@fsclaw.com](mailto:jts@fsclaw.com)  
[mtc@fsclaw.com](mailto:mtc@fsclaw.com)  
[Blumenfeld@fsclaw.com](mailto:Blumenfeld@fsclaw.com)

Keith A. Rutherford  
R. Scott Reese  
Sarah R. Cabello  
WONG, CABELLO, LUTSCH,  
RUTHERFORD & BRUCCULERI, LLP  
20333 SH 249, Suite 600  
Houston, TX 77070  
(832) 446-2400  
Fax (832) 446-2424  
[krutherford@counselip.com](mailto:krutherford@counselip.com)  
[sreese@counselip.com](mailto:sreese@counselip.com)  
[scabello@counselip.com](mailto:scabello@counselip.com)

Eric M. Albritton  
ERIC M. ALBRITTON, P.C.  
P.O. Box 2649  
111 West Tyler Street  
Longview, TX 75601  
(903) 757-8449 x204  
Fax (903) 758-7397  
[ema@emafirm.com](mailto:ema@emafirm.com)

**ATTORNEYS FOR PLAINTIFF  
INNOVATIVE GLOBAL SYSTEMS, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of October, 2010, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Michael T. Cooke

n:\clients\mj\ves\volvo-05\pleadings\cc reply - volvo construction.docx